

Remarks

Claims 1-20, 22-25 and 27-30 are pending in this application. All claims have been rejected. With this response, claim 19 is amended to use the term partially proofed in place of partially unproofed, as recommended by the Examiner. It is respectfully submitted that this amendment places the application in immediate condition for allowance or, in the alternative, reduces outstanding issues. This amendment is supported by the specification, for example, at page 6, lines 19-26, and therefore does not introduce new matter.

Applicants request reconsideration and allowance of the application in view of the present amendments and following remarks.

Claim rejections under 35 USC §112

Claim 19 has been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the expression "partially unproofed" has been objected to as being unclear. The Examiner recommends that the term "partially proofed" is acceptable for describing a dough where some proofing has occurred, and accepts that this term is understood in relation to the discussion in the present specification at page 6, lines 19-26, wherein an unproofed dough is described as a dough that has sufficient unactivated leavening agent to at least double in volume when allowed to proof (or double in volume during baking in embodiments with no intermediate proofing step). Thus, a partially proofed dough as understood in the context of the present specification would clearly be understood to have sufficient inactivated leavening agent to at least partially increase in volume.

The claim has therefore been amended to use the recommended term. Accordingly, Applicants request that the rejection of claims 7-11 and 19 under 35 U.S.C. §112, second paragraph be withdrawn.

Claim rejections under 35 USC §103

Claims 1-20, 22-25 and 27-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Book et al. (U.S. Pat. No. 6,149,960) in view of Chawan (U.S. Pat. No. 6,720,312), Chawan et. al. (U.S. Pat. No. 5,759,607) and Laughlin et al. (U.S. Pat. No. 5,855,945).

The present invention relates to leavened dough compositions comprising a very small amount of propylene glycol alginate ("PGA"), which provides excellent textural benefits in the dough product after baking. The inventive formulation provides a baked dough product having the benefit of a springy texture without introducing gumminess or diminished flavor.

Book et al relates to chemically leavened bakery products made by a specific process wherein the specified chemical leavening components are added in order to provide the desired final product characteristics. As acknowledged in the Office Action, Book et al. fails to disclose propylene glycol alginate (PGA).

Chawan '312 relates to the introduction into the food composition of an additive, such as propylene glycol alginate, which reduces cooking losses in a food product and enhances the starch cell wall membrane to thereby slow the enzymatic hydrolysis of the starch by insulin. See the Abstract.

The problem addressed in Chawan '312 is clearly explained at column 4, lines 33-42 as follows:

Cooking losses in starch-containing foods, such as pasta, have been observed for a long time. The loss is seen by the consumer as a cloudy or milky appearance in the boiling water drained off the cooked food. In this cloudy drain water is material extracted from the food. This loss in mass of the cooked food product can be as high as 15 weight percent. The material which is extracted into the boiling water, drained, and thus lost to the consumer is primarily amylose and amylopectin, but also contains vitamins and minerals both natural and exogenous.

Cooking loss as explained by Chawan '312 thus is only observed in food products that are prepared by boiling.

As noted in the outstanding Office Action, Chawan '312 lists a number of food compositions at column 4, lines 27-32, most of which go through a boiling preparation technique, but some of which inexplicably are not conventionally boiled in preparation. In view of the stated problem and the nature of the solution to the problem set forth in Chawan '312, it is clear that the non-boiled food products do not belong in this food product list, and further that the skilled artisan would recognize this incongruity. The skilled artisan would therefore not have been motivated to combine Chawan '312 with Book to incorporate PGA in leavened dough products as presently claimed.

Chawan '607 relates to a method to improve the texture of pasta or pasta-like food compositions by addition of propylene glycol alginate. The specification states at column 2, lines 15-19 that the food products as described therein do not become "unacceptably soft, mealy or pasty." The outstanding Office Action notes that the Chawan '607 specification mentions that the invention is:

also directed to food compositions comprising flour and PGA which might not be pasta or pasta-like. Thus, for example, products made from a PGA/flour dough which are baked or fried are also obtained by the present invention.

at column 2, lines 46-50. However, there is no teaching or suggestion that these other food products would include leavened dough compositions. The recited problems that are taught to be avoided, i.e. becoming "unacceptably soft, mealy or pasty" are not problems typically associated with leavened dough products. Unleavened baked or fried products, such as chips, would exhibit such problems and would have been the type of food products that would have been suggested to the skilled artisan by this disclosure. Therefore, the skilled artisan would not have been motivated to combine Chawan '607 with Book to incorporate PGA in leavened dough products as presently claimed.

Laughlin et al. fail to cure the deficiencies of Book et al. or the Chawan references. In brief, the Laughlin et al. reference relates to certain dough compositions including complementary leavening agents. (See Laughlin et al. at the Abstract). The Laughlin et al. reference does not disclose PGA. Indeed, the Office Action does not rely on the Laughlin et al. reference for teaching or suggesting the PGA feature of the claims.

Because none of the references, alone or in combination, teach, suggest, or motivate a skilled worker to include PGA in a dough composition in an amount from 0.005% to 0.2%, as required by all of the claims, a *prima facie* case of obviousness has not been established in the outstanding Office Action. Accordingly, Applicants respectfully request that the outstanding rejections be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the claims and the present application are now in condition for allowance. Approval of the application

and allowance of the claims is earnestly solicited. In the event that a phone conference between the Examiner and the Applicant's undersigned attorney would help resolve any remaining issues in the application, the Examiner is invited to contact said attorney at (651) 275-9811.

Respectfully Submitted,

By:

Dale A. Bjorkman, Reg. No. 33,084
Phone: 651-275-9811
Facsimile: 651-351-2954

Dated: June 13, 2005

19027

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.